

REMARKS

Claims 1-10 and 12-17 will be pending upon entry of the present amendment. Claims 1-3, 6, 9, 10, 12, 13, and 15 have been amended, and claim 11 is canceled.

Applicants thank the Examiner for indicating the allowability of claims 5, 6, 13, 14, 16, and 17. Claim 13 has been rewritten in independent form.

Claim 6 has been amended to correct an informality indicated by the Examiner, as required. This amendment does not alter the scope of claim 6, nor is it made for the purpose of patentability or to overcome prior art.

The Examiner has rejected claims 1, 11, 12, and 15 under 35 U.S.C. § 102(b) as being anticipated by both Higashi et al. (U.S. Patent No. 4,895,616, hereafter "Higashi") and Shie et al. (U.S. Patent No. 5,347,869, hereafter "Shie"). Claim 1 is also rejected under 35 U.S.C. § 102(e) as being anticipated by Davies (U.S. Patent No. 6,512,283). The Examiner has rejected claims 2-4, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Davies in view of Xiang et al. (U.S. Patent No. 6,747,333, hereafter "Xiang"), and claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Davies and Xiang in view of Johnson (U.S. Patent No. 4,706,061).

With respect to the Xiang reference, applicants note that Xiang claims priority from Application No. 09/794,894, filed on February 26, 2001. The present application is a divisional application of U.S. Patent Application No. 09/797,206, filed February 27, 2001, which in turn claims priority from European Application No. 00830148.3, filed February 29, 2000. In order to overcome the date of a reference relied upon by an examiner, 37 C.F.R. § 1.55 requires an English language translation of a non-English language foreign application from which priority is claimed, together with a statement that the translation is accurate. Accordingly, attached herewith is an English language translation of the above-referenced European application, together with the required statement. Xiang is now removed as a prior art reference to the present application.

The Examiner relies upon a combination of Xiang and Davies in rejecting each of claims 2-4, 7, and 8. The Examiner also relies upon a combination of Xiang, Davies, and Johnson in rejecting each of claims 9, and 10. The Examiner acknowledges that Davies alone, or Davies and Johnson, fail to teach all the limitations of these claims. Accordingly, with the

removal of Xiang as a reference, each of the above-listed claims is presumed by the applicants to be allowable over Davies, in the case of claims 2-4, 7, and 8, and over Davies in combination with Johnson in the case of claims 9 and 10.

Claim 1 has been amended to recite, in part, "a top wall, including a lattice having a first and a second layer," as previously recited in claim 2. In rejecting claim 2, the Examiner acknowledges that Davies fails to teach a lattice having first and second layers, relying on Xiang for this teaching. Accordingly, with the removal of Xiang as a reference, amended claim 1 is now in condition for allowance. Dependent claims 2-10 are also therefore allowable, as depending from an allowable base claim.

Claims 3, 9, and 10 have each been amended to depend from claim 1.

Claim 13, indicated by the Examiner as being allowable, has been placed in independent form, and claim 11 is canceled. Claim 12 has been amended to depend from claim 13, and is thus also in condition for allowance, together with claim 14.

Claim 15 recites, in part, "a cover over the cavity comprising a lattice layer having a plurality of openings, formed on an upper surface of the body, and a coating layer formed on the lattice layer, the coating layer closing the plurality of openings; and a communication opening extending *through the coating layer* in the cover as far as the cavity." Higashi and Shie each fail to teach all the limitations of claim 15.

In rejecting claim 15 over Higashi, the Examiner cites the slots 40-47 and 50-57 as being analogous to both the communication opening and the lattice of claim 15. The Examiner then continues, stating, "Alternatively, as in claim 15, the lattice has openings which are then filled by a coating layer so that the openings are closed and the final structure is merely a cover layer with communication openings therein." However, Higashi teaches filling all the slots 40-47 and 50-57 with the polyimide plug, and thus fails to teach a communication opening extending through the coating layer, as recited in claim 15. Higashi states, for example, "an object of the invention is to seal off the pit space beneath the heater and detectors . . . to prevent such contamination" (column 4, lines 39-44). Higashi also states, "After this step, the...slots are closed by applying a polyamide solution ..., filling and covering the slots..." Clearly, Higashi does not teach both a coating layer and a communication opening formed therethrough, and therefore fails to anticipate all the limitation of claim 15.

For its part, Shie fails to teach a lattice layer as recited in claim 15. The Examiner cites the thin film 62 of Figures 6A-6G as corresponding to the lattice layer of claim 15. However, with reference to this thin film layer, Shie states, "depositing a Pt thin film 62 in vacuum and manufacturing an arched temperature sensitive resistor 15 (as shown in FIG. 1) . . ." (column 7, lines 32-34). Thus, as explained by Shie, the feature 62 of Figures 6A-6G is also shown as feature 15 of Figure 1. Referring now to Figure 1 of Shie, it may be seen that the feature 15 of Figure 1 is a sinuously wound resistor that doubles back and forth across the plate 12. In cross-section, as seen in Figures 6A-6G, the resistor 15 appears as segments 62. However, when viewed from above, it may be seen that the resistor is a unitary and continuous strand, and does not have a lattice-like structure. Accordingly, Shie also fails to teach each of the limitations of claim 15.


For at least the reasons cited above, claim 15 is allowable over Shie or Higashi, together with dependent claims 16 and 17.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

  
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Harold H. Bennett II  
Registration No. 52,404

HHB:jl

Enclosures:

Postcard

Certified English Translation of European Application No. 00830148.3

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031  
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